

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EDMUNDO AMPARAN and
KIMBERLY L. AMAPARAN,

Plaintiffs,

vs.

No. 1:15-CV-00045 GBW/LAM

MELVUT BERKAY DEMIR,
DENZICAN KARADENIZ, and
AVIS RENT A CAR SYSTEM, LLC,
a Delaware Limited Liability Company,

Defendants.

**DEFENDANT AVIS RENT A CAR SYSTEM, LLC'S OBJECTIONS AND RESPONSES TO
PLAINTIFFS' SECOND SET OF DISCOVERY REQUESTS TO DEFENDANT AVIS RENT A CAR
SYSTEM, LLC**

Defendant Avis Rent A Car Systems, LLC, through its attorneys, Allen, Shepherd, Lewis & Syra, P.A., hereby provides its objections and responses to Plaintiffs' Second Set of Discovery Requests.

Answers to Interrogatories

Interrogatory No. 13: Please state the ARAC policies and procedures, in effect on July 13, 2014, for a rental of a motor vehicle within the United States to an individual under 25 years of age.

Answer: Defendant objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents identified as Avis-000001 through Avis-000006, which will be produced in Response to Request No. 11 upon execution of the attached Confidentiality Order.

Interrogatory No. 14: Please state the ARAC policies and procedures, in effect on July 13, 2014, for a rental of a motor vehicle in the United States to an individual who has a foreign driver's license, but not a United States driver's license.

Answer: Defendant objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents identified as Avis-000007 through Avis-000012, which will be produced in Response to Request No. 13, upon execution of the attached Confidentiality Order.

Interrogatory No. 15: Please state the ARAC policies and procedures, in effect on July 13, 2014, for a rental of a minivan in the United States to an individual under 25 years of age.

Answer: Defendant objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents to be produced in Response to Request No. 11, which will be provided upon execution of the attached Confidentiality Order.

Interrogatory No. 16: Please state the ARAC policies and procedures, in effect on July 13, 2014, for a rental of a motor vehicle in the United States to an individual who has a Turkish driver's license, but not a United States driver's license.

Answer: Defendant objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in

Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents to be produced in Response to Request Nos. 11 and 13, which will be provided upon execution of the attached Confidentiality Order.

Interrogatory No. 17: Please state the ARAC policies and procedures, in effect on July 13, 2014 in the United States, for a rental of a high-powered and/or sports vehicle, such as a Ford Mustang, to an individual under 25 years of age.

Answer: Avis Rent A Car Systems, LLC objects to this Interrogatory on the grounds that it is vague and ambiguous such that it may not be reasonably calculated to lead to the discovery of admissible evidence. Specifically, the terms "high-powered vehicle" and "sports vehicle" are vague and ambiguous.

Defendant further objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents to be produced in Response to Request No. 11, which will be provided upon execution of the attached Confidentiality Order. Each location has discretion whether to rent a Ford Mustang, to an individual under 25 years of age.

Interrogatory No. 18: Please state the terms of the agreement, or agreements, in effect on July 13, 2014, between ARAC and/or any ARAC related entities and Lake Powell Car Rental Companies, LLC's ("Lake Powell") pertaining to Lake Powell's operation of the AVIS Rent A Car location in Page, Arizona.

Answer: Defendant objects to providing the terms of the agreement between itself and Lake Powell Car Rental Companies, LLC absent a confidentiality agreement.

Once a confidentiality order has been entered, Defendant will provide the requested documentation identified as Avis-000012 through Avis-000029. Pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the requested documentation.

Interrogatory No. 19: At or around July 13, 2014 did ARAC expect its agents, and/or licensees, franchisees, including but not limited to Lake Powell Car Rental Companies, LLC (“Lake Powell”), to comply with ARAC policies and procedures for renting motor vehicles? If so, please specifically identify such policies and procedures and all steps taken to inform Lake Powell of those policies and procedures, educate Lake Powell on those policies and procedures, confirm that Lake Powell understands those policies and procedures and confirm that Lake Powell is following those policies and procedures.

Answer: Defendant objects on the ground that this Interrogatory is vague and ambiguous such that it may seek information not reasonably calculated to lead to the discovery of admissible evidence. Specifically, it is unclear what Plaintiffs mean by “expect.”

Defendant further objects on the ground that this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee’s policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving those objections, pursuant to Federal Rule of Civil Procedure 33(d), responsive information to this Interrogatory may be ascertained by examining the documents that will be provided as Response to Request No. 17.

Interrogatory No. 20: At or about July 13, 2014, did PV Holdings, ARAC or some other entity related to ARAC charge a fee to Lake Powell Car Rental Companies, LLC for renting a vehicle owned or registered to PV Holdings? If so, please provide information about how that

fee was computed, and identify the entity that charged such fee as well as the entity that received such fee.

Answer: Upon information and belief, Defendant does not charge a fee to Lake Powell Car Rental Companies, LLC for renting a vehicle owned or registered to PV Holdings. However, Lake Powell Car Rental Companies, LLC likely has the information requested.

Response to Requests for Production

Request No. 11: Please provide all documents that set forth the policies and procedures, in effect on July 13, 2014, for ARAC's rental of a motor vehicle in the United States to an individual under 25 years of age.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation identified as Avis-000001 through Avis-000006 and titled "Rental Procedures: Qualifying the Customer."

Request No. 12: Please provide all documents that set forth the ARAC policies and procedures, in effect on July 13, 2014 in the United States, regarding providing security for a rental agreement by credit card.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation that are to be produced as Response to Request No. 11, and titled "Rental Procedures: Qualifying the Customer."

Request No. 13: Please provide all documents that set forth the ARAC policies and procedures, in effect on July 13, 2014, regarding the rental of a vehicle in the United States to an individual with a foreign driver's license, but not a United States driver's license.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation to be produced with Response to Request No. 11 and titled "Rental Procedures: Qualifying the Customer." Defendant will also produce the requested documentation identified as Avis-000007 through Avis-000012 and titled "Rental Procedures: Driver's License."

Request No. 14: Please provide all documents that set forth the ARAC policies and procedures, in effect on July 13, 2014, regarding the rental of a vehicle in the United States to an individual with a Turkish driver's license, but not a United States driver's license.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation that are to be produced as Response to Request No. 11 and titled "Rental Procedures: Qualifying the Customer." Defendant will also produce the requested documentation that will be produced as Response to Request No. 13, and titled "Rental Procedures: Driver's License."

Request No. 15: Please provide all ARAC documents that set forth the policies and procedures, in effect on July 13, 2014, regarding the rental of a minivan in the United States to an individual under the age of 25.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation that are to be produced as Response to Request No. 11, and titled "Rental Procedures: Qualifying the Customer."

Request No. 16: Please provide all documents that set forth the ARAC policies and procedures, in effect on July 13, 2014, regarding the rental of a high-powered sports vehicle, including but not limited to a Ford Mustang, in the United States to an individual under the age of 25.

Response: Defendant objects on the ground that this Request is not reasonably calculated to lead to the discovery of admissible evidence. The Avis Rent a Car location in Page, Arizona is a licensee, thus the licensee's policies and procedures are the relevant ones in this case, not Avis Rent a Car policies and procedures.

Defendant further objects to this Request on the grounds that it is vague and ambiguous such that it may not be reasonably calculated to lead to the discovery of admissible evidence. Specifically, the terms "high-powered vehicle" and "sports vehicle" are vague and ambiguous.

Subject to and without waiving that objection, upon execution of the attached Confidentiality Order, Defendant will provide the requested documentation that are to be produced as Response to Request No. 11, and titled "Rental Procedures: Qualifying the Customer."

Request No. 17: Please produce copies of all agreements entered between Lake Powell Car Rental Companies, LLC and ARAC or any ARAC related entity related to the operation of the AVIS Rent A Car location in Page, Arizona.

Response: Defendant objects to providing the terms of the agreement between itself and Lake Powell Car Rental Companies, LLC absent a confidentiality agreement.

Once the attached confidentiality order has been entered, Defendant will provide the requested documentation, identified as Avis-000013 through Avis-000029.

Request No. 18: Please produce copies of any policies and procedures identified in response to Interrogatory No. 19.

Response: Documents responsive to this Request will be produced as Response to Request No. 17 once a confidentiality order has been entered.

Response to Requests for Admission

Request For Admission No. 1: Admit that ARAC is responsible for the content of the website located at <http://locations.avis.com/us/az/page/pga.html>. (Screen print and accompanying "Terms of Use" attached as Exhibit 1.)

Admit _____ Deny X

Request For Admission No. 2: Admit that ARAC controls and operates the website located at <http://locations.avis.com/us/az/page/pga.html>. (Ex. 1, Screen print.)

Admit _____ Deny X

Request For Admission No. 3: Admit that the website located at <http://locations.avis.com/us/az/page/pga.html> states that "At this location, the minimum age is 25." (Ex. 1, Screen print.)

Admit _____ Deny X

Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 4: Admit that the website located at <http://locations.avis.com/us/az/page/pga.html> states that "At the time of rental, the renter or authorized driver may be subject to an electronic DMV check from the issuing state of the driver's license, or may be asked to sign a declaration attesting to specific criteria:

- o The renter/authorized driver has a valid license that is not currently suspended, expired, revoked, canceled or surrendered.

- o The renter/authorized driver has not, within the last 36 months had 1 or more convictions for reckless driving.
- o The renter/authorized driver has not, within the last 36 months had 1 or more convictions for driving under the influence (DUI), driving while intoxicated (DWI), or driving while alcohol impaired (DWAI).
- o The renter/authorized driver has not, within the last 36 months failed to report or leave the scene of an accident.
- o The renter/authorized driver has never been in possession of a stolen vehicle or used a vehicle in a crime.
- o The renter/authorized driver has not, within the last 24 months had 3 or more convictions for moving violations (including seat belt violations).
- o The renter/authorized driver has not, within the last 36 months had 3 or more accidents.”

(Screen print attached as Exhibit 2.)

Admit _____ Deny X

Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 5: Admit that the website located at <http://locations.avis.com/us/az/page/pga.html> states that “All additional drivers must be at least 25 years of age.” (Screen print attached as Exhibit 3.)

Admit _____ Deny X

Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 6: Admit that ARAC is responsible for the content of the website located at <http://www.avis.com/car-rental/content/render-faq.ac>. (Screen print and Terms of use attached as Exhibit 4.)

Admit _____ Deny X

Request For Admission No. 7: Admit that ARAC operates and controls the website located at <http://www.avis.com/car-rental/content/render-faq.ac>. (Ex. 4.)

Admit _____ Deny X

Request For Admission No. 8: Admit that the website located at <http://www.avis.com/car-rental/content/render-faq.ac> provides that:

Renters between the ages of 21-24 may not rent vehicles in the following car classes:

- Full-Size SUVs
- Luxury
- Minivans
- Passenger Vans
- Premium SUVs
- Signature Series

(Ex. 4, Screen print.)

Admit _____ Deny X

Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 9: Admit that, in July of 2014, ARAC considered a 2014 Ford Mustang, VIN 1ZVBP8EM0E5236511, a “signature series” automobile.

Admit _____ Deny _____ A Ford Mustang is currently a “specialty vehicle.” Avis Rent A Car Systems, LLC, does not know the vehicle’s classification in July of 2014.

Request For Admission No. 10: Admit that ARAC is responsible for the content of the website located at <http://www.avis.com/car-rental/location/CAU/US/AZ/Page/PGA>. (Screen print and Terms of use attached as Exhibit 5.)

Admit _____ Deny

Request For Admission No. 11: Admit that ARAC operates and controls the website located at <http://www.avis.com/car-rental/location/CAU/US/AZ/Page/PGA>. (Ex. 5.)

Admit _____ Deny

Request For Admission No. 12: Admit that the website located at <http://www.avis.com/car-rental/location/CAU/US/AZ/Page/PGA> states that "At this location, the minimum age is 25." (Ex. 5.)

Admit _____ Deny

Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 13: Admit that the documents attached hereto as Exhibits 1-5 are true and correct copies of ARAC websites.

Admit _____ Deny

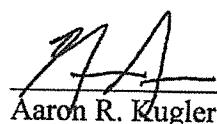
Defendant objects to this request to the extent that the document speaks for itself.

Request For Admission No. 14: Admit that the documents attached hereto as Exhibits 1-5 state published policies and procedures for rentals from the ARAC Page Arizona rental location.

Admit _____ Deny X

Respectfully Submitted,

Allen, Shepherd, Lewis & Syra, P.A.



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